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10 Attorneys for Defendant International Business

11 Machines Corporation

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

14
15 CALLIE GREEN, individually and on behalf
16 of all others similarly situated,

17 Plaintiff,

18 vs.

19 HEALTH NET, INC., HEALTH NET OF
20 CALIFORNIA, INC., and INTERNATIONAL
BUSINESS MACHINES CORPORATION,

21 Defendants.

Case No.: 11-cv-1797-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT AND
TRANSFERRING CASE TO EASTERN
DISTRICT OF CALIFORNIA**

22
23 Whereas, this case arises out of similar facts and involves largely the same parties as the
24 following cases pending in the Eastern District of California: *Whitaker v. Health Net of California,*
25 *Inc.*, No. 11cv910; *Assavarungnirum v. Health Net of California, Inc.*, No. 11cv1008; *Avila v.*
26 *Health Net, Inc.*, No. 11cv1097; *Bournas v. Health Net, Inc.*, No. 11cv1262; *Bowman v. Health*
27 *Net, Inc.*, No. 11cv1320;

Whereas, the parties in another related case in the Northern District, *Eandi v. Health Net, Inc.*, No. 11-cv-2002-JSW, have stipulated to transfer that case to the Eastern District;

Whereas, there were also three related cases filed in the Central District of California;

Whereas, on May 13, 2011, Judge Anderson of the Central District transferred one of those related cases to the Eastern District of California pursuant to 28 U.S.C. § 1404(a), *see Bowman v. Health Net, Inc.*, No. 11-cv-2345, Dkt. No. 28 (C.D. Cal. May 13, 2011) (order attached as Exhibit A) and filed an Order To Show Cause on May 13, 2011 as to why a second case should not be transferred to the Eastern District;

Whereas, the parties have already filed stipulations to transfer to the Eastern District the two remaining Central District cases, which are also before Judge Anderson;

Whereas, Judge Anderson found, and the parties do not here dispute, that the requirements for a transfer under 28 U.S.C. § 1404(a) are met: the Eastern District is convenient for the parties and witnesses; that district has easier access to evidence not available in electronic format; it has subject-matter jurisdiction and personal jurisdiction over the parties; venue is proper; and several other cases are pending there;

Whereas, it would be inefficient, expensive, and could lead to inconsistent results to have this case pending in a different District from the other cases addressing the same event;

Whereas, for the reasons described above and for the reasons discussed in the *Bowman* order, *see* Exhibit A, transfer of this case to the Eastern District of California is appropriate under 28 U.S.C. § 1404(a).

Therefore, the parties hereby stipulate as follows:

1. The deadline for Defendants to respond to the complaint shall be extended to June 17, 2011;

2. This case shall be transferred to the Eastern District of California under 28 U.S.C. § 1404(a) for the convenience of parties and witnesses and in the interests of justice.

1 DATED: May 24, 2011

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4 By /s/ Karin Kramer¹

Karin Kramer

Attorneys for Defendant International Business
Machines Corporation

7 DATED: May 24, 2011

SCHNEIDER WALLACE COTTRELL BRAYTON
KONECKY LLP

10 By /s/ Todd M. Schneider

Todd M. Schneider

Attorneys for Plaintiff Callie Green

14 DATED: May 24, 2011

CROWELL & MORING LLP


16 By /s/ Ethan P. Schulman

Ethan P. Schulman

Attorneys for Defendants Health Net of
California, Inc. and Health Net, Inc.

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 DATED: May 25, 2011

23 
24 _____
25 Hon. Jeffrey S. White

27 ¹ I attest that I have obtained approval to file this document on behalf of the other signatories.
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